

FISHER & PHILLIPS LLP
 3800 Howard Hughes Parkway, Suite 950
 Las Vegas, Nevada 89169

FISHER & PHILLIPS LLP
 SCOTT M. MAHONEY, ESQ.
 Nevada Bar No. 1099
 3800 Howard Hughes Parkway
 Suite 950
 Las Vegas, NV 89169
 Telephone: (702) 252-3131
 Facsimile: (702) 252-7411

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSE J. ORTIZ,)	
)	
Plaintiff,)	Case No. 2:09-cv-01795-RCJ-PAL
)	
v.)	MOTION FOR WAIVER OF
)	ATTENDANCE OF INSURANCE
SILVER STATE FORD, a Nevada)	REPRESENTATIVE AT
Corporation d/b/a GAUDIN)	SETTLEMENT CONFERENCE
FORD PORSCHE)	
)	
Defendants.)	
)	

Defendant, Silver State Ford d/b/a Gaudin Ford Porsche, by and through its counsel, FISHER & PHILLIPS LLP, hereby moves this Court, pursuant to the Order Scheduling a Settlement Conference filed January 20, 2012, for an order excusing the physical attendance at the Settlement Conference of Gary Kopacz, the insurance representative for HARCO insurance, who resides in Illinois. Physical attendance would likely result in two days of travel and associated expense, which is unnecessary because Defendant will have a settlement position formulated before the Settlement Conference, Mr. Kopacz would be available during the Settlement Conference by telephone as needed, and one or more representatives from Gaudin Ford (which would be partially responsible for any payment) will be physically present. Mr. Kopacz is the sole person at HARCO assigned to handling employment discrimination claims

FISHER & PHILLIPS LLP
3800 Howard Hughes Parkway, Suite 950
Las Vegas, Nevada 89169

1 such that this matter cannot be delegated to another HARCO representative in closer
2 physical proximity to Las Vegas. (The only person who occasionally acts in Mr.
3 Kopacz's stead on claims of this nature is his superior, who also is in Illinois).

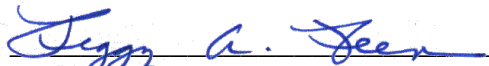
4 It should be noted a previous attendance waiver for Mr. Kopacz was granted
5 regarding the October 13, 2011 Settlement Conference (docket #48), and what
6 Defendant contends was a settlement between the parties was reached despite Mr.
7 Kopacz's lack of personal attendance. If Judge Navarro declines to enforce this
8 settlement prior to this Settlement Conference, Defendant and Mr. Kopacz should not
9 be penalized in the form of having to make a personal appearance as a result of
10 Plaintiff changing his mind about settlement following the October 13 Settlement
11 Conference.

12 Respectfully submitted,

13 FISHER & PHILLIPS LLP

14 By: /s/ Scott M. Mahoney, Esq.
15 SCOTT M. MAHONEY, ESQ.
16 3800 Howard Hughes Parkway
Suite 950
17 Las Vegas, Nevada 89169
Attorneys for Defendant

18
19 **IT IS SO ORDERED** this 6th day
20 of February, 2012.

21 
22 Peggy A. Leen
United States Magistrate Judge
23
24

CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that on the 3rd day of February 2012, the undersigned an employee of Fisher & Phillips LLP, electronically filed the foregoing Motion for Waiver of Attendance of Insurance Representative at Settlement Conference with the U.S. District Court, and a copy was electronically transmitted from the Court to the e-mail address on file for:

James P. Kemp, Esq.

By: /s/ Lorraine James-Newman
An employee of Fisher & Phillips LLP

FISHER & PHILLIPS LLP
3800 Howard Hughes Parkway, Suite 950
Las Vegas, Nevada 89169

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24